

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JULY 30, 2002 AT 10:00 A.M.  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JULY 30, 2002 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300:               ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-330: Four actions related to Community Facilities District No. 4 (Black Mountain Ranch Villages) - Modification of the Rate and Method of Apportionment of Special Tax and Increasing the Maximum Bond Authorization.

(Black Mountain Ranch - Subarea I of the North City Future Urbanizing Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A, B and D; introduce the ordinance in subitem C :

Subitem A: (R-2003-139)

Calling an election on propositions to alter the existing rate and method of apportionment of the special tax and increase the authorized bonded indebtedness of the District.

Subitem B: (R-2003-140)

Certifying the results of the July 30, 2002 election and changing the existing rate and method of apportionment of the special tax and increasing the authorized bonded indebtedness of the District.

Subitem C: (O-2003-34)

An Ordinance repealing Ordinance No. O-18905 and authorizing the levy of a special tax within the District.

Subitem D: (R-2003-159)

Declaring that the information contained in Environmental Impact Report LDR No. 95-0173, adopted on September 20, 1995 and Environmental Impact Report LDR No. 96-7902, adopted on July 28, 1998, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance with the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of CFD#4 (Black Mountain Ranch Villages);

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**CITY MANAGER SUPPORTING INFORMATION:**

Pursuant to proceedings conducted under the Mello-Roos Community Facilities Act of 1982 (“Mello-Roos Act”), the City of San Diego previously established Community Facilities District No. 4 (Black Mountain Ranch Villages) (“CFD No. 4”). In conjunction with these proceedings, the City adopted Ordinance No. O-18905, which authorized the levy of a special tax within CFD No. 4. The ordinance provided that the special tax was to be levied in accordance with the Rate and Method of Apportionment of Special Tax (“Rate and Method”) approved by the City Council pursuant to Resolution No. R-293975.

Subsequent to these actions, and in accordance to the Mello-Roos Act, an owner of more than 25% of the property within the District filed a written petition with CFD No. 4 requesting that the Rate and Method be modified and the total bond authorization of the District be increased to \$30,000,000. In response to the petition, on June 25, 2002, the City Council conducted “Change Proceedings,” which culminated in the adoption of Resolution No. R-296736, declaring the Council’s intention to consider altering the existing Rate and Method and increasing the maximum authorized bonded indebtedness of the District.

This action will be a noticed public hearing, at which the City Council will be asked to hear testimony either for or against the proposed changes. At the close of the hearing, Council will be asked to conduct a special election among the qualified district voters. Upon completion of the special election, the results will be tallied and certified. Assuming a favorable vote, the City Council will be asked to ratify the proposed modifications.

In conjunction with the above actions, the new Ordinance repealing Ordinance No. O-18905 would authorize the levy of the special tax within the District in accordance with the amended Rate and Method of Apportionment of Special Tax, as referenced above.

It is recommended that the City Council approve the above referenced actions. City staff, in conjunction with the City’s financing team for the project, have determined that the proposed modifications should provide a more equitable tax treatment for the various categories of taxable property, and will help ensure that the requisite infrastructure can be built in a timely manner.

**FISCAL IMPACT:**

None. All costs related to this action have been funded by property owners within Community Facilities District No. 4.

Frazier/Vattimo/MSI

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-331: Vacation of a Portion of Torrance Street.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1650)

Vacating a portion of Torrance Street, reserving out a general utility and access easement, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 19521-B marked as Exhibit "B".

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Torrance Street located in the Uptown Community area within Council District (2). The portion to be vacated is a seven foot strip on the northeasterly side of the street. The street is fully improved with curb, gutter, paving and concrete sidewalk. The area to be vacated is excess right-of-way behind the sidewalk. There are no present or future plans to widen the street. The City will reserve a small general utility and access easement for underground utilities across a portion of the vacated area. On July 6, 1914, part of Torrance Street was vacated under Resolution No. R-17693. On August 1, 2000, the Uptown Planners recommended approval of the street vacation, by a vote of 12-0-1. The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the partial street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be widened.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a RS-1-2 zone which is consistent with the community plan land use designation. The Uptown Community Planners recommend approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to widen the street in this area and easements will be reserved for existing utilities.

**FISCAL IMPACT:**

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

**NOTE:** This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-332: Vacation of a Portion of San Fernando Street.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1651)

Vacating a portion of San Fernando Street, reserving out a general utility and access easement, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 19605-B marked as Exhibit "B";

Declaring that this resolution shall not become effective unless and until the following conditions have been met: the applicant shall assure, by permit and bond, the installation of permanent public improvements at the "L" shaped intersection of Qualtrough Street and San Fernando Street as follows: Type G-2 curb and gutter on the west side of San Fernando Street, Type G-2 curb and gutter across the southerly terminus of San Fernando Street (running in an east-west direction), the installation of Schedule "J" pavement for unimproved portions of the "L" shaped intersection and a drainage inlet box to convey the intersection drainage discharging via a rip-rap dissipator on private property, all in a manner satisfactory to the City Engineer.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of San Fernando Street located in the Peninsula Community area within Council District (2). The street is unimproved and there are no plans to construct a street at this location because the area is inaccessible and the terrain is very steep. A general utility and access easement will be reserved over the north portion of the area to be vacated. The applicant is currently using part of the street as a driveway to his house and wants to maintain and protect the slopes with landscaping. The Uptown Planners recommended approval of the street vacation unanimously. One property owner objects to the vacation of the street, stating that access is needed for fire emergency. However, the Fire Department recommends vacating the street because the area is inaccessible (the terrain drops about 50 feet down to a ravine).

The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way may be vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a RS-1-4 zone which is consistent with the community plan land use designation. The Uptown Planners recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

**FISCAL IMPACT:**

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

**NOTE:** This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-333: Campus at Torrey View.

Matter of approving, conditionally approving, modifying or denying an application for a Rezone, Community Plan Amendment, General Plan Amendment, and Planned Development Permit for a rezone from RM-2-5 (Multi-Family Residential) to IL-2-1 (Industrial) and construction of two, four-story, corporate office space on 7.7 acre site.

(RZ/CPA/GPA/PDP-41-0795. Sorrento Hills Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**



Introduce the ordinance in Subitem A; adopt the resolutions in Subitems B and D; and adopt the resolution in Subitem C to grant the permit.

Subitem-A: (O-2003-32)

Introduction of an Ordinance changing 7.7 acres located east of and adjacent to I-5 and north of Carmel Mountain Road, within the Sorrento Hills Community Plan area, in the City of San Diego, California, from the RM-2-5 Multi-family residential (formerly R-1500) zone into the IL-2-1 Industrial zone, as defined by San Diego Municipal Code Section 131.0406.b.2 and 131.0603; and repealing Ordinance No. O-18546 (New Series), adopted July 20, 1998 of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2003-126)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 41-0795, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Campus at Torrey View Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2003- )

Adoption of a Resolution granting or denying Planned Development Permit 41-0795, with appropriate findings to support Council action.

Subitem-D: (R-2003-127)

Adoption of a Resolution amending the Sorrento Hills Community Plan;

That the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

**OTHER RECOMMENDATIONS:**

The Planning Commission on June 27, 2002, voted 5 - 0 to approve; no opposition.

Ayes: Anderson, Schultz, Brown, Steele, Lettieri

Recusing: Garcia

Not present: Chase

The Sorrento Hills Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

Campus at Torrey View project proposes a Sorrento Hills Community Plan Amendment, Progress Guide and General Plan Amendment to re-designate the site from residential to industrial, Rezone from RM-2-5 (Multi-family Residential) to IL-2-1 (Industrial), and Planned Development Permit for the construction of two, four-story, corporate office buildings and associated features with a total of 200,100 square feet of corporate office space on a 7.7 acre site.

**TRAFFIC IMPACT:**

The proposed Campus at Torrey View project is estimated to generate approximately 3,002 average daily trips (ADT). 1,200 of these trips are estimated to occur on Interstate 5 south of State Route 56, which has an estimated near-term plus project volume of 266,290 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004-2007. Sorrento Hills Community is required to contribute \$10.68 million for the planned I-5/Carmel Mountain Road interchange.

**FISCAL IMPACT:**

A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

Ewell/Christiansen/FMM

**LEGAL DESCRIPTION:**

The project site is located east of, and adjacent to Interstate I-5, on the northern side of Carmel Mountain Road, between Vista Sorrento Parkway and I-5, in the community of Sorrento Hills and is more particularly described as Lots 1 and 2 of Section 31, Township 14 South, Range 3 West, San Bernardino Meridian.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARING:

ORDINANCE TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

ITEM-334: Second Public Hearing - Annual Appropriation Ordinance for the Fiscal Year 2002-2003.

**CITY MANAGER'S RECOMMENDATION:**

Hold the second public hearing and introduce and adopt the following ordinance:

(O-2003-23)

Introduction and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 2002-2003 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

**NOTE:** Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 200 on the docket of Monday, July 29, 2002 for the first public hearing.

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JULY 30, 2002  
RECONVENED AT 6:00 P.M.**

**San Diego State University  
5500 Campanile Drive  
San Diego, CA 92182**

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ITEM-320:           ROLL CALL.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTION:

ITEM-335:   Library Department Facility Improvements.

(See City Manager Report CMR-02-159.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-156)

Approving the list of Main and Branch Library Improvement Projects;

Approving the timeline and guiding principles for project development;

Directing the City Manager to return to the City Council in the Fall of 2002 with a financing plan for the Library Improvement Projects.

ADJOURNMENT